

**AN ORDINANCE BY  
COUNCILMEMBER LEE MORRIS**

**AN ORDINANCE TO CLOSE A PROPOSED COMMERCIAL CURB CUT ON  
MIDVALE DRIVE, AND FOR OTHER PURPOSES**

**WHEREAS**, residents in the North Buckhead neighborhood have been struggling with the negative effects of commercial cut-through automobile traffic for many years as development continues to explode in the area; and

**WHEREAS**, an application for an exception to Code Section 16-11.006 was made for property on the corner of Roswell Road and Midvale Drive, to become an expansion of the Chastain Square shopping center, in order to allow a drive-thru facility for a Chick-fil-A establishment, which drive-thru facility would not otherwise be permitted next door to a residence; and

**WHEREAS**, the community prepared to oppose the application, but after the site had been clear-cut, learned not only that the application had been withdrawn, but that a building permit, apparently posted on one of the interior trees where it could not be seen, had been granted and that the appeal period may already have expired; and

**WHEREAS**, one of the elements of the permit involves the moving of what was a graveled drive to become a curbcut onto Midvale Drive; and

**WHEREAS**, a traffic light was installed at Chastain Square some years ago purportedly in part to anticipate the needs of the possible future expansion of the shopping center; and

**WHEREAS**, the City's public interest in promoting the livability of our beautiful forested single family neighborhoods and the public health, safety and welfare call for the City to eliminate the attraction to enter and exit the otherwise entirely residential Midvale, and cause shopping center patrons to enter and exit to and from Roswell Road at the traffic light installed for that purpose;

**NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED** that the commercial curbcut on Midvale be eliminated and closed.